

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ARLENE CUTRONE,

Civil Action No.:

Plaintiff,

**NOTICE OF REMOVAL**

- against -

BJ'S WHOLESALE CLUB HOLDINGS, INC.,  
and BJ'S MEMBERSHIP CLUB, INC. d/b/a BJ's  
WHOLESALE CLUB,

Defendants.

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**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK:**

Defendant, BJ'S WHOLESALE CLUB, INC. i/s/h/a BJ'S WHOLESALE CLUB  
HOLDINGS, INC. and BJ'S MEMBERSHIP CLUB, INC. d/b/a BJ'S WHOLESALE CLUB,  
("Defendant"), by its attorneys, GOLDBERG SEGALLA LLP, upon information and belief,  
respectfully petitions the Court, pursuant to 28 U.S.C. 1441, as follows:

1. On or about March 19, 2020, the above-captioned civil action was commenced and  
is now pending in the Supreme Court of the State of New York, County of Nassau. A trial has not  
yet been had therein. A copy of the Summons and Complaint is annexed as **Exhibit "A"**. A copy  
of the affidavit of service is annexed as **Exhibit "B"**.

2. On or about June 18, 2020, Defendant filed its Verified Answer to plaintiff's  
Complaint. A copy of Defendant's Verified Answer is annexed as **Exhibit "C"**.

3. The action seeks monetary damages for personal injuries allegedly suffered by  
plaintiff, Arlene Cutrone, on July 3, 2018, when a pallet containing watermelons was allegedly  
lowered and/or dropped on her foot at the BJ's Club located at 711 Stewart Avenue, Garden

City, New York 11530. Plaintiff's Complaint sounds in negligence. See Exhibit A at ¶¶ 22-23.

4. The action involves a controversy between citizens of different states, in that: (a) Plaintiff is a citizen of the State of New York; and (b) Defendant is now and was at the time the action was commenced, a corporation incorporated in the State of Delaware with its principal place of business in the State of Massachusetts.

5. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between Defendant and Plaintiffs.

6. In addition, the amount in controversy exceeds \$75,000. More specifically, on January 19, 2021, the undersigned received plaintiff's Response to Ad Damnum dated January 8, 2021, in which plaintiff confirmed that she is seeking \$2,000,000 in compensatory damages as a result of the subject incident. A copy of plaintiff's Response to Ad Damnum is annexed as **Exhibit "D"**.

7. This Notice of Removal is being filed within thirty (30) days of receipt of plaintiff's written allegation that her alleged damages exceed \$75,000. See Exhibit D.

8. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

9. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Nassau, promptly after the filing of this Notice.

10. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

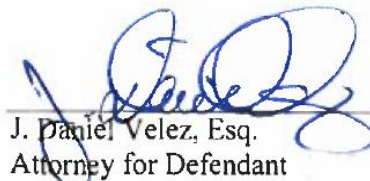
11. By filing this Notice of Removal, Defendant does not waive any defense which may be available to it.

**WHEREFORE** Defendant prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of Nassau, be removed therefrom to this Honorable Court.

Dated: Garden City, New York  
February 12, 2021

**GOLDBERG SEGALLA LLP**

By:



J. Daniel Velez, Esq.  
Attorney for Defendant

[jv - 4709]

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